REMARKS

Status of the Claims

- Claims 1-40 are pending in the Application after entry of this amendment.
- Claims 1-40 are rejected by the Examiner.
- Claims 1, 6, 7, 10, 12, 14-20, 22, 24, 26-27, 29, 31, and 39 are amended.
- Claims 3-5, and 8 are cancelled without prejudice or disclaimer.

Interview Summary

Applicant thanks the Examiner for the telephone interview held on 8/20/07. During that interview, Applicant explained aspects of the invention with respect to as-filed Figure 2 of the present application. The reference Jenny was discussed and it was noted that Jenny teaches, on page 8, claim 8, forwarding requests for data based on a threshold whereas Claim 1 recites the storage of data; requests for data and storing data being different operations. The Examiner graciously noted the difference. No specific agreement was reached with respect to any specific claims or claim amendments.

Claim Rejections Pursuant to 35 U.S.C. §103 (a)

Claims 1, 6, 14, 15, 26, 27, and 33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Antonio et al. (U.S. Publ No. US 2002/00957515) in view of Nobuyoshi et al. (U.S. Patent No. 7,010,719) and in further view of Takahashi (U.S. Patent No. 5,878,020). Applicant respectfully traverse the rejection.

Applicant amends independent Claims 1, 14, and 26 to include the aspect that three metadata analysis are conducted and assessed by a policy manager before storing a data set to be stored in either a high performance hard drive or a power controlled hard drive. Applicant finds support for the amendment in as-filed Figure 2 and the supporting specification including paragraphs 0026-0032.

Antonio discloses a single variable mode multi-media data object storage device. When in the write mode, the disk spins at the faster rotation speed than in a read mode. (reference Antonio, paragraph 0020). Antonio teaches a single disk drive unit (102) as shown in Antonio, Figure 1. Applicant submits that this single disk is an exemplary embodiment of the variable mode multi-media data object storage device that operates at one speed for writing data and another speed for reading data (see paragraphs 0021-0023 and Figure 1).

Applicant notes that Antonio fails to teach performing three metadata analysis before storing data as recited in amended independent Claims 1, 14, and 26. Also, Antonio also fails to teach a server having a power controlled hard drive where the entire power controlled spinning-type hard drive is configured for lower power consumption as recited in Claim 1. Antonio teaches a disk drive that has a lower power consumption only in read mode.

Nobuyoshi teaches an external storage device capable of selectively storing data in a semiconductor memory or a hard drive. Nobuyoshi teaches in col. 5, lines 38-54 that a data block is selected to be placed in semiconductor memory or in the a hard drive based upon the size of the data block. Nobuyoshi teaches:

"After receiving a write access of a data block from the computer 120, the judgment part 275 judges whether or not the write object data block can be stored in the semiconductor memory 200. That is, the judgment part 275 initially acquires the number of empty M blocks of the semiconductor memory 200 from a storage part 290 in the access processing part 277. Next, when the number of empty M blocks of the semiconductor memory 200 is 8 or more (that is, the number of M blocks or more in which the data block of 512 bytes can be stored without compression), the judgment part 275 concludes that the object data block can be stored in the semiconductor memory 200. Otherwise, the judgment part 275 may initially cause the object data block to be compressed by a compression part 280 in the access processing part 277 and then makes a conclusion based on whether a sufficient number of empty blocks to store the compressed object data block exists."
(Nobyoushi, col. 5, lines 38-54)

Applicant notes that Nobyoushi fails to teach performing three metadata analysis before storing data as recited in amended independent Claims 1, 14, and 26.

Takahashi teaches a method of management of information on a disk that increases the speed of file management by constructing a data area and a management area on the disk so that they are both read at the same speed. (See Takahashi col. 7 line 31- col. 8 lines 28 and Figure 5). Applicant submits that Takahashi teaches the advantage of having a management data area physically close to a corresponding data area on a hard disk in order to be able to write data to those areas and read data from those areas at the same rotational rate of speed. Moreover, the read rate and the write rate are the same for the combination of management and data. Thus reads and writes to that hard disk area can be conducted at the same speed.

Applicant notes that Takahashi, like Antonio and Nobuyoshi, fails to teach performing three metadata analysis before storing data as recited in amended independent Claims 1, 14, and 26.

Applicant respectfully submits that the combination of Antonio, Nobuyoshi, and Takahashi fails to teach or suggest a performing three metadata analysis before storing data as recited in amended independent Claims 1, 14, and 26. Thus, for purposes of a 35 U.S.C. §103(a) rejection, the combination of Antonio, Nobuyoshi, and Takahashi fails to teach all of the elements of the pending amended independent claims. Accordingly, the combination of Antonio, Nobuyoshi, and Takahashi cannot render obvious amended independent Claims 1, 14, and 26 under 35 U.S.C §103(a) because all of the elements of the claims are not found in the cited references. Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. §103(a) rejection of independent Claims 1, 14, and 26 because these claims and their respective dependent claims patentably define over the cited art.

Claims 2, 9, 21, and 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Antonio et al. (U.S. Publ No. US 2002/00957515) in view of Nobuyoshi et al. (U.S. Patent No. 7,010,719) and in further view of Takahashi (U.S. Patent No. 5,878,020) and in further view of Douglas et al. (U.S. Patent No. 5,493,670).

Applicant respectfully submits that Claims 2, 9, 21, and 28 are dependent from independent Claims 1, 14, and 26 which patentably define over the cited art as discussed above. As such, Claims 2, 9, 21, and 28 are also non-obvious over the cited art.

Claims 3 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Antonio et al. (U.S. Publ No. US 2002/00957515) in view of Nobuyoshi et al. (U.S. Patent No. 7,010,719) and in further view of Takahashi (U.S. Patent No. 5,878,020) and in further view of Jenny et al. (U.S. Patent Publ No. 2003/0065743).

Applicant respectfully submits that Claims 3 and 16 are dependent from independent Claims 1 and 14 which patentably define over the cited art as discussed above. As such, Claims 3 and 16 are also non-obvious over the cited art. Applicant also notes that Jenny teaches handling requests for content using a cache and does not specifically teach storing data into either a high performance hard drive or a power controlled hard drive.

Claims 4, 10-13, 17, 22-25, and 29-32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Antonio et al. (U.S. Publ No. US 2002/00957515) in view of Nobuyoshi et al. (U.S. Patent No. 7,010,719) and in further in view of Takahashi (U.S. Patent No. 5,878,020) and in further view of Gonos (U.S. Patent No. 6,901,418).

Applicant respectfully submits that Claims 4, 10-13, 17, 22-25, and 29-32 are dependent from independent Claims 1, 14, and 26 which patentably define over the cited art as discussed above. As such, Claims 4, 10-13, 17, 22-25, and 29-32 are also non-obvious over the cited art.

Claims 5 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Antonio et al. (U.S. Publ No. US 2002/00957515) in view of Nobuyoshi et al. (U.S. Patent No. 7,010,719) and in further view of Takahashi (U.S. Patent No. 5,878,020) and in further view of Lu et al. (U.S. Patent No. 6,684,121).

Applicant respectfully submits that Claims 5 and 18 are dependent from independent Claims 1 and 14 which patentably define over the cited art as discussed above. As such, Claims 5 and 18 are also non-obvious over the cited art.

Claims 7, 8, 19, and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Antonio et al. (U.S. Publ No. US 2002/00957515) in view of Nobuyoshi et al. (U.S. Patent No. 7,010,719) and in further view of Takahashi (U.S. Patent No. 5,878,020) and in further view of Malcolm et al. (U.S. Patent Publ No. 2002/0004917).

Applicant respectfully submits that Claims 7, 8, 19, and 20 are dependent from independent Claims 1 and 14 which patentably define over the cited art as discussed above. As such, Claims 7, 8, 19 and 20 are also non-obvious over the cited art.

Claim 34 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Antonio et al. (U.S. Publ No. US 2002/00957515) in view of Nobuyoshi et al. (U.S. Patent No. 7,010,719) and in further view of Takahashi (U.S. Patent No. 5,878,020) and in further view of Hudson et al. (U.S. Patent Publ No. 2002/0059440).

Applicant respectfully submits that Claim 34 is dependent from independent Claim 26 which patentably defines over the cited art as discussed above. As such, Claim 34 is also non-obvious over the cited art.

Claims 35-37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Antonio et al. (U.S. Publ No. US 2002/00957515) in view of Nobuyoshi et al. (U.S. Patent No. 7,010,719) and in further view of Takahashi (U.S. Patent No. 5,878,020) and in further view of Wang et al. (U.S. Patent No. 6,834,326).

Applicant respectfully submits that Claims 35-37 are dependent from independent Claim 1 which patentably defines over the cited art as discussed above. As such, Claims 35-37 are also non-obvious over the cited art.

Claims 38-40 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Antonio et al. (U.S. Publ No. US 2002/00957515) in view of Nobuyoshi et al. (U.S. Patent No. 7,010,719) and in further view of Takahashi (U.S. Patent No. 5,878,020) and in further view of Yagawa (U.S. Patent Publ No. 2002/0015946).

Applicant respectfully submits that Claims 38-40 are dependent from independent Claim 1 which patentably defines over the cited art as discussed above. Claims 38-40 are also non-obvious over the cited art.

Conclusion

Applicant respectfully requests reconsideration of all pending claims in light of the amendment and the arguments above. Applicant respectfully requests a Notice of Allowance for all pending claims as they patentably define over the cited art.

Respectfully submitted,

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